

Executive Summary – Enforcement Matter – Case No. 49393
North Texas Municipal Water District
RN102315579 and RN101701332
Docket No. 2014-1440-WQ-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

North Texas MWD ("Facility No. 1"), 810 State Highway 78 North, at the corner of State Highway 78 and Brown Street, Wylie, Collin County

South Mesquite WWTF ("Facility No. 2"), 3500 Lawson Road, approximately 0.5 mile south of the intersection of Lawson Road and Cartwright Road in the southeast portion of Mesquite, Dallas County

Type of Operation:

Surface water treatment facility and wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 25, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$15,000

Name of SEP: Texoma Council of Governments (Third-Party Pre-Approved)

Compliance History Classifications (RN102315579):

Person/CN - Satisfactory

Site/RN - N/A

Compliance History Classifications (RN101701332):

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Docket No. 2014-1440-WQ-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 23, 2014 and February 9, 2015

Date(s) of NOE(s): September 11, 2014 and April 8, 2015

Violation Information

1. Failed to prevent an unauthorized discharge into or adjacent to any water in the state at Facility No. 1 [TEX. WATER CODE § 26.121(a)(1)].
2. Failed to prevent an unauthorized discharge into or adjacent to any water in the state at Facility No. 2 [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010221001, Permit Conditions No. 2.g.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

a. At Facility No. 1:

- i. Within approximately 18 hours from the beginning of the July 21, 2014 unauthorized discharge, ceased the unauthorized discharge by closing the valve and constructing temporary dams to contain the discharge;
- ii. By August 15, 2014, conducted remediation activities in multiple locations of the Rush Creek tributary to lower and stabilize the pH concentration levels to within a range supportive of aquatic life;
- iii. By August 25, 2014, properly removed and disposed of approximately 287,800 gallons of contaminated creek water from the Rush Creek tributary; and
- iv. By September 11, 2014, properly removed and disposed of approximately 2,840 cubic yards of contaminated soil and sediment from multiple locations in and around the Rush Creek tributary.

b. At Facility No. 2:

- i. By February 8, 2015, ceased the unauthorized discharge by stopping the overflow at the Forney Lift Station and reactivating the pumps;

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RN102315579 and RN101701332
Docket No. 2014-1440-WQ-E

ii. By February 11, 2015, properly removed and disposed of the dead fish from Mustang Creek;

iii. By February 13, 2015:

(1) Re-programmed the supervisory control and data acquisition computer system that controls the alarm to the Forney Lift Station;

(2) Made changes to the control room operator monitoring procedures and protocols; and

(3) Properly removed and disposed of the untreated wastewater from the ditch north of the Forney Lift Station manhole.

iv. By April 15, 2015:

(1) Created an hourly flow and level of wastewater inspection log for all lift stations and an alarm inspection log for all alarms;

(2) Created a chain-of-custody form for an operator to transfer responsibilities to the relief operator;

(3) Installed a horn silence switch and rest switch at the Forney Lift Station; and

(4) Programmed the computer system for the second lag pump at the Forney Lift Station to begin operating if and when the lead and first lag pumps fail.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

2. The Order will also require the Respondent to:

a. Within 30 days, update the operational guidance and conduct employee training to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, including the routine inspection and maintenance of computer control systems, lift stations, and associated appurtenances; and

b. Within 45 days, submit written certification of compliance with a.

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Docket No. 2014-1440-WQ-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Thomas W. Kula, Executive Director, North Texas Municipal Water District, P.O. Box 2408, Wylie, Texas 75098-2408
Respondent's Attorney: Brad Castleberry, Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701

Attachment A
Docket Number: 2014-1440-WQ-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	North Texas Municipal Water District
Penalty Amount:	Fifteen Thousand Dollars (\$15,000)
SEP Offset Amount:	Fifteen Thousand Dollars (\$15,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texoma Council of Governments
Project Name:	<i>Household Hazardous Waste Collection Events</i>
Location of SEP:	Cooke, Fannin & Grayson Counties; Red River, Trinity River, & Sulphur River Basins

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texoma Council of Governments** for the *Household Hazardous Waste Collection Events* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to hold household hazardous waste ("HHW") collection events in three regional locations, Cooke, Grayson, and Fannin Counties, to offer citizens the opportunity to recycle and/or dispose of hazardous material including paint, tires, poisons, antifreeze, used electronics, and other items that are difficult to dispose of in order to deter illegal dumping of these materials. The SEP Offset Amount will be used to hire a licensed contractor to set up operations at the three locations. Materials that are received for recycling or disposal will be removed by the contractor and transported to a licensed facility for proper disposal of all waste collected at the events. The licensed contractor will process and handle all material dropped off at the events. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

North Texas Municipal Water District
Agreed Order - Attachment A

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Illegal dumping is a significant environmental concern. HHW collection events take a major burden off of local governments and provide a means for citizens to easily recycle and dispose of hazardous items. The majority of the region of Cooke, Fannin, and Grayson Counties is rural. HHW Collection services are not available to many of the region's rural citizens, leading people to collect hazardous materials on their properties or to improperly dispose of them. These events will reduce the amount of illegal dumping in the area, which reduces pollutants on land and in water. Additionally, in areas where adequate disposal facilities are not available, hazardous materials often end up in creeks or ditches along roadsides, which impacts water quality and wildfire.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texoma Council of Governments SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texoma Council of Governments
Attention: David Trout, Municipal Solid Waste Program Manager
1117 Gallagher Drive
Sherman, Texas 75090

North Texas Municipal Water District
Agreed Order - Attachment A

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

North Texas Municipal Water District
Agreed Order - Attachment A

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	15-Sep-2014	PCW	4-May-2015	Screening	24-Sep-2014	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	North Texas Municipal Water District (Facility No. 1)						
Reg. Ent. Ref. No.	RN102315579						
Facility/Site Region	4-Dallas/Fort Worth				Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	49393	No. of Violations	1
Docket No.	2014-1440-WQ-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jill Russell
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	0.0%	Enhancement	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for compliance history.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$9,026
Estimated Cost of Compliance	\$1,267,176

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$5,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,625
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	
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No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$5,625
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Screening Date 24-Sep-2014

Docket No. 2014-1440-WQ-E

PCW

Respondent North Texas Municipal Water District (Facility No. 1)

Policy Revision 4 (April 2014)

Case ID No. 49393

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102315579

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 24-Sep-2014

Docket No. 2014-1440-WQ-E

PCW

Respondent North Texas Municipal Water District (Facility No. 1)

Policy Revision 4 (April 2014)

Case ID No. 49393

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102315579

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to prevent an unauthorized discharge into or adjacent to any water in the state, as documented during an investigation conducted on July 23, 2014. Specifically, on July 21, 2014, an estimated 1,680 gallons of 25% sodium hydroxide solution discharged from an open valve at Facility No. 1 into an unnamed tributary of Rush Creek resulting in the death of approximately nine crawfish, two frogs, and one fish. In addition, a surface water sample taken at the location of the dead creatures had a pH reading of 11.62 standard units.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	X		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or the environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	X
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One daily event is recommended for the discharge that lasted approximately 18 hours, from July 21, 2014 to July 22, 2014.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent achieved compliance on September 11, 2014.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9,026

Violation Final Penalty Total \$5,625

This violation Final Assessed Penalty (adjusted for limits) \$5,625

Economic Benefit Worksheet

Respondent North Texas Municipal Water District (Facility No. 1)
Case ID No. 49393
Reg. Ent. Reference No. RN102315579
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,267,176	21-Jul-2014	11-Sep-2014	0.14	\$9,026	n/a	\$9,026
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to cease the discharge, construct temporary dams, remediate multiple locations in a tributary of Rush Creek to lower and stabilize the pH levels, properly remove and dispose of approximately 287,800 gallons of contaminated creek water and 2,840 cubic yards of contaminated soil and sediment. Date required is the initial date of discharge and the final date is the date that remediation activities were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,267,176

TOTAL

\$9,026



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN601365448, RN102315579, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN601365448, North Texas Municipal Water District
Classification: SATISFACTORY **Rating:** 1.57
Regulated Entity: RN102315579, North Texas Municipal Water District (Facility No. 1)
Classification: NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A
Repeat Violator: N/A
CH Group: 14 - Other
Location: 810 State Highway 78 North, at the corner of State Highway 78 and Brown Street in Wylie, Collin County, Texas
TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0430044

WATER LICENSING LICENSE 0430044

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: January 31, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 31, 2010 to January 31, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jill Russell

Phone: (512) 239-4564

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 June 17, 2013 (1041641)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	13-Apr-2015	PCW	30-Apr-2015	Screening	14-Apr-2015	EPA Due	
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RESPONDENT / FACILITY INFORMATION

Respondent	North Texas Municipal Water District (Facility No. 2)						
Reg. Ent. Ref. No.	RN101701332						
Facility/Site Region	4-Dallas/Fort Worth			Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	49393	No. of Violations	1
Docket No.	2014-1440-WQ-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jill Russell
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	25.0% Enhancement	Subtotals 2, 3, & 7	\$1,875
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Notes	Enhancement for one Agreed Order without a denial of liability.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$94
Estimated Cost of Compliance	\$9,491

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,375
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OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$9,375
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STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty	\$9,375
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DEFERRAL

0.0%

Reduction

Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY

\$9,375

Screening Date 14-Apr-2015

Docket No. 2014-1440-WQ-E

PCW

Respondent North Texas Municipal Water District (Facility No. 2)

Policy Revision 4 (April 2014)

Case ID No. 49393

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101701332

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one Agreed Order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date 14-Apr-2015

Docket No. 2014-1440-WQ-E

PCW

Respondent North Texas Municipal Water District (Facility No. 2)

Policy Revision 4 (April 2014)

Case ID No. 49393

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101701332

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010221001, Permit Conditions No. 2.g.

Violation Description

Failed to prevent an unauthorized discharge of untreated wastewater into or adjacent to any water in the state, as documented during an investigation conducted on February 9, 2015. Specifically, on February 8, 2015, an estimated 292,600 gallons of untreated wastewater discharged from a manhole, approximately 300 feet northeast of the Forney Lift Station. The untreated wastewater discharged into a ditch approximately 500 feet north of the manhole and into Mustang Creek, resulting in a count of 243 dead fish.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	X		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or the environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	X
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One daily event is recommended from the initial date of discharge (February 8, 2015) to the date the discharge ceased (February 8, 2015).

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$94

Violation Final Penalty Total \$9,375

This violation Final Assessed Penalty (adjusted for limits) \$9,375

Economic Benefit Worksheet

Respondent North Texas Municipal Water District (Facility No. 2)
Case ID No. 49393
Reg. Ent. Reference No. RN101701332
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	9-Feb-2015	5-Dec-2015	0.82	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$9,241	8-Feb-2015	15-Apr-2015	0.18	\$84	n/a	\$84

Notes for DELAYED costs

Estimated cost to update the operational guidance and conduct employee training to ensure that the Facility No. 2 and all of its systems of collection, treatment, and disposal are properly operated and maintained, including the routine inspection and maintenance of computer control systems, lift stations, and associated appurtenances. Date required is the investigation date. Final Date is the expected date of compliance.

Estimated cost to properly remove and dispose of the dead fish from Mustang Creek; re-program the supervisory control and data acquisition computer system that controls the alarm to the Forney Lift Station; make changes to the control room operator monitoring procedures and protocols; properly remove and dispose of the untreated wastewater from the ditch north of the Forney Lift Station manhole; create an hourly flow and level of wastewater inspection log for all lift stations and an alarm inspection log for all alarms; create a chain-of-custody form for an operator to transfer responsibilities to the relief operator; install a horn silence switch and rest switch at the Forney Lift Station; and program the computer system for the second lag pump at the Forney Lift Station to begin operating if and when the lead and first lag pumps fail. Date required is the initial date of discharge. Final Date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$9,491

TOTAL

\$94



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN601365448, RN101701332, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN601365448, North Texas Municipal Water District
Classification: SATISFACTORY
Rating: 1.53

Regulated Entity: RN101701332, South Mesquite Wastewater Treatment Facility (Facility No. 2)
Classification: SATISFACTORY
Rating: 4.57

Complexity Points: 8
Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: 3500 Lawson Road, approximately 0.5 mile south of the intersection of Lawson Road and Cartwright Road in the southeast portion of the City of Mesquite in Dallas County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

WASTEWATER PERMIT WQ0010221001

WASTEWATER EPA ID TX0047431

PRETREATMENT PERMIT WQ0010221001

PRETREATMENT EPA ID TX0047431000

STORMWATER PERMIT TXR05U127

WASTEWATER LICENSING LICENSE WQ0010221001

Compliance History Period: September 01, 2009 to August 31, 2014
Rating Year: 2014
Rating Date: 09/01/2014

Date Compliance History Report Prepared: April 14, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 14, 2010 to April 14, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jill Russell

Phone: (512) 239-4564

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 04/07/2013 ADMINORDER 2011-1738-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Int. I Eff. Lim. & Monit. Reqs. No. 1 PERMIT
Description: Failure to comply with the permitted effluent limitations at Facility No. 1.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	April 22, 2010	(832491)	Item 24	December 19, 2012	(1063653)
Item 2	May 24, 2010	(861293)	Item 25	February 22, 2013	(1080199)
Item 3	August 20, 2010	(867447)	Item 26	March 18, 2013	(1089891)
Item 4	September 22, 2010	(874469)	Item 27	May 20, 2013	(1107230)
Item 5	December 22, 2010	(896859)	Item 28	June 24, 2013	(1110877)
Item 6	January 06, 2011	(896857)	Item 29	July 25, 2013	(1117765)
Item 7	February 22, 2011	(909656)	Item 30	August 22, 2013	(1125554)
Item 8	February 28, 2011	(926651)	Item 31	September 23, 2013	(1130122)
Item 9	March 21, 2011	(916877)	Item 32	November 26, 2013	(1141265)
Item 10	August 19, 2011	(959859)	Item 33	December 23, 2013	(1147730)
Item 11	September 22, 2011	(965900)	Item 34	February 24, 2014	(1161114)
Item 12	October 17, 2011	(962721)	Item 35	March 25, 2014	(1167770)
Item 13	October 20, 2011	(971942)	Item 36	April 23, 2014	(1174896)
Item 14	November 21, 2011	(978108)	Item 37	May 23, 2014	(1181095)
Item 15	December 21, 2011	(984878)	Item 38	June 23, 2014	(1187999)
Item 16	January 24, 2012	(991167)	Item 39	July 22, 2014	(1199507)
Item 17	March 21, 2012	(1004064)	Item 40	August 22, 2014	(1212795)
Item 18	May 21, 2012	(1017005)	Item 41	September 02, 2014	(1199508)
Item 19	June 22, 2012	(1024765)	Item 42	September 23, 2014	(1206387)
Item 20	July 23, 2012	(1032125)	Item 43	November 24, 2014	(1219050)
Item 21	September 21, 2012	(1047413)	Item 44	December 22, 2014	(1224832)
Item 22	October 18, 2012	(1063651)	Item 45	February 23, 2015	(1242854)
Item 23	November 15, 2012	(1063652)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
NORTH TEXAS MUNICIPAL	§	
WATER DISTRICT	§	
RN102315579 AND RN101701332	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-1440-WQ-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the North Texas Municipal Water District ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Mr. Brad Castleberry of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C., presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a surface water treatment facility located at 810 State Highway 78 North, at the corner of State Highway 78 and Brown Street, Wylie, Collin County, Texas ("Facility No. 1") and a wastewater treatment facility located at 3500 Lawson Road, approximately 0.5 mile south of the intersection of Lawson Road and Cartwright Road in the southeast portion of Mesquite, Dallas County, Texas ("Facility No. 2").
2. Facility No. 1 and Facility No. 2 are near or adjacent to any water in the state as defined in TEX. WATER CODE ch. 26.001(5).
3. During an investigation conducted at Facility No. 1 on July 23, 2014, TCEQ staff documented that on July 21, 2014, an estimated 1,680 gallons of 25% sodium hydroxide solution discharged from an open valve into an unnamed tributary of Rush Creek resulting in the death of approximately nine crawfish, two frogs, and one fish. In addition, a surface water sample taken at the location of the dead creatures had a pH reading of 11.62 standard units.
4. During an investigation conducted at Facility No. 2 on February 9, 2015, TCEQ staff documented that on February 8, 2015, an estimated 292,600 gallons of untreated wastewater discharged from a manhole, approximately 300 feet northeast of the Forney Lift Station. The untreated wastewater discharged into a ditch approximately 500 feet north of the manhole and into Mustang Creek, resulting in a count of 243 dead fish.
5. The Respondent received notices of the violations on September 12, 2014, and on April 13, 2015.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures:
 - a. At Facility No. 1:
 - i. Within approximately 18 hours from the beginning of the July 21, 2014 unauthorized discharge, ceased the unauthorized discharge by closing the valve and constructing temporary dams to contain the discharge;
 - ii. By August 15, 2014, conducted remediation activities in multiple locations of the Rush Creek tributary to lower and stabilize the pH concentration levels to within a range supportive of aquatic life;

- iii. By August 25, 2014, properly removed and disposed of approximately 287,800 gallons of contaminated creek water from the Rush Creek tributary; and
 - iv. By September 11, 2014, properly removed and disposed of approximately 2,840 cubic yards of contaminated soil and sediment from multiple locations in and around the Rush Creek tributary.
- b. At Facility No. 2:
- i. By February 8, 2015, ceased the unauthorized discharge by stopping the overflow at the Forney Lift Station and reactivating the pumps;
 - ii. By February 11, 2015, properly removed and disposed of the dead fish from Mustang Creek;
 - iii. By February 13, 2015:
 - (1) Re-programmed the supervisory control and data acquisition computer system that controls the alarm to the Forney Lift Station;
 - (2) Made changes to the control room operator monitoring procedures and protocols; and
 - (3) Properly removed and disposed of the untreated wastewater from the ditch north of the Forney Lift Station manhole.
 - iv. By April 15, 2015:
 - (1) Created an hourly flow and level of wastewater inspection log for all lift stations and an alarm inspection log for all alarms;
 - (2) Created a chain-of-custody form for an operator to transfer responsibilities to the relief operator;
 - (3) Installed a horn silence switch and rest switch at the Forney Lift Station; and
 - (4) Programmed the computer system for the second lag pump at the Forney Lift Station to begin operating if and when the lead and first lag pumps fail.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent an unauthorized discharge into or adjacent to any water in the state at Facility No. 1, in violation of TEX. WATER CODE § 26.121(a)(1).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent an unauthorized discharge into or adjacent to any water in the state at Facility No. 2, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010221001, Permit Conditions No. 2.g.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Fifteen Thousand Dollars (\$15,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Fifteen Thousand Dollars (\$15,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Fifteen Thousand Dollars (\$15,000) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: North Texas Municipal Water District, Docket No. 2014-1440-WQ-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Fifteen Thousand Dollars (\$15,000) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements at Facility No. 2:
 - a. Within 30 days after the effective date of this Agreed Order, update the operational guidance and conduct employee training to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, including the routine inspection and maintenance of computer control systems, lift stations, and associated appurtenances.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a. The written certification of compliance shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or

otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

11/7/16

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the North Texas Municipal Water District. I am authorized to agree to the attached Agreed Order on behalf of the North Texas Municipal Water District, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the North Texas Municipal Water District waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

Aug 18, 2015

Date

THOMAS W. KULA

Name (Printed or typed)
Authorized Representative of
North Texas Municipal Water District

EXECUTIVE DIRECTOR

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2014-1440-WQ-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	North Texas Municipal Water District
Penalty Amount:	Fifteen Thousand Dollars (\$15,000)
SEP Offset Amount:	Fifteen Thousand Dollars (\$15,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texoma Council of Governments
Project Name:	<i>Household Hazardous Waste Collection Events</i>
Location of SEP:	Cooke, Fannin & Grayson Counties; Red River, Trinity River, & Sulphur River Basins

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texoma Council of Governments** for the *Household Hazardous Waste Collection Events* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to hold household hazardous waste ("HHW") collection events in three regional locations, Cooke, Grayson, and Fannin Counties, to offer citizens the opportunity to recycle and/or dispose of hazardous material including paint, tires, poisons, antifreeze, used electronics, and other items that are difficult to dispose of in order to deter illegal dumping of these materials. The SEP Offset Amount will be used to hire a licensed contractor to set up operations at the three locations. Materials that are received for recycling or disposal will be removed by the contractor and transported to a licensed facility for proper disposal of all waste collected at the events. The licensed contractor will process and handle all material dropped off at the events. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

North Texas Municipal Water District
Agreed Order - Attachment A

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Illegal dumping is a significant environmental concern. HHW collection events take a major burden off of local governments and provide a means for citizens to easily recycle and dispose of hazardous items. The majority of the region of Cooke, Fannin, and Grayson Counties is rural. HHW Collection services are not available to many of the region's rural citizens, leading people to collect hazardous materials on their properties or to improperly dispose of them. These events will reduce the amount of illegal dumping in the area, which reduces pollutants on land and in water. Additionally, in areas where adequate disposal facilities are not available, hazardous materials often end up in creeks or ditches along roadsides, which impacts water quality and wildfire.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texoma Council of Governments SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texoma Council of Governments
Attention: David Trout, Municipal Solid Waste Program Manager
1117 Gallagher Drive
Sherman, Texas 75090

North Texas Municipal Water District
Agreed Order - Attachment A

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

North Texas Municipal Water District
Agreed Order - Attachment A

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.